

040204

16834 U.S. PTO

Attorney Docket No.: LOVO-56.DIV

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the below date of deposit.			
Express Mail Label No.:	EV428357875US	Name of Person Making the Deposit:	ANTHONY CHOU
Date of Deposit:	04/02/04	Signature of the Person Making the Deposit:	<i>Anthony Chou</i>

Prior application:  
Examiner: Berry, Renee R.  
Art Unit: 2818

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

16834 U.S. PTO  
10/816980

040204

## TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)

This is a request for filing a Divisional application under 37 CFR 1.53(b), of pending prior application  
Application No. 10/439,558 filed on 05/15/03

of Ho-Yuan Yu  
*Inventor(s)*  
for METHOD AND STRUCTURE FOR COMPOSITE TRENCH FILL  
*Title of invention*

## Copy of Prior Application as Filed That is Attached

☒ A copy of the above identified prior application, including the oath or declaration originally filed is attached.

The copy of the papers of prior application as filed which are attached are as follows:

<input checked="" type="checkbox"/>	18	page(s) of specification
<input checked="" type="checkbox"/>	5	page(s) of claims
<input checked="" type="checkbox"/>	1	page(s) of abstract
<input checked="" type="checkbox"/>	11	sheet(s) of drawing
<input checked="" type="checkbox"/>	2	page(s) of declaration and power of attorney

☒ in accordance with the indication required by 37 CFR 1.53(b), my records reflect that the original signed declaration showing applicant's signature was filed on 05/15/03

☐ the amendment referred to in the declaration filed to complete the prior application and I hereby state that this amendment did not introduce new matter therein.

## Amendments

☒ Cancel in this application original claims 11-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes)

☒ A preliminary Amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application)

**Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

☐ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

**Information Disclosure Statement**

☐ An information disclosure statement is submitted herewith

**Drawings**

☒ Drawings are enclosed  
☐ formal  
☒ informal

**Priority Claim**

**35 U.S.C. 119**

☐ Priority of Application Number ..... filed on .....  
..... in ..... is claimed under  
35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. Application No. ....

☐ ..... in .....  
☐ The certified copy will follow.

**35 U.S.C. 120, 121 and 365(c)**

"This application is a divisional and claims the benefit of copending application(s)

☒ application number 10/439,558 filed on 05/15/03  
☐ International Application ..... filed on .....

which designated the U.S."

**Relate Back**

☒ Amend this specification by inserting, before the first line, the following sentence:

"This is a

☒ divisional  
of copending application(s)

☒ Application Number 10/439,558 filed on 05/15/03  
☐ International Application ..... filed on .....  
which designated in the U.S."

**Inventorship Statement**

(a) With respect to prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

☒ the same.  
☐ less than those named in the prior application. It is requested that the following inventor(s) identified above for the prior application be deleted:

.....  
*Type names of inventors to be deleted*

(b) The inventorship for all the claims in this application are

- ☒ the same.  
☐ not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

### Assignment

- ☒ The prior application is assigned of record to Lovoltech, Inc.  
☐ An assignment of the invention to is attached. A separate "Cover Sheet for Assignment (Document) Accompanying New Patent Application" or Form PTO 1595 is also Attached.

### Power of Attorney

- ☒ The power of attorney in the prior application is to

James P. Hao	Registration No.: 36,398
Anthony C. Murabito	Registration No.: 35,295
John P. Wagner	Registration No.: 35,398
Glenn D. Barnes	Registration No.: 42,293
Thomas M. Catale	Registration No.: 46,434
Jose S. Garcia	Registration No.: 43,628
Eric J. Gash	Registration No.: 46,274
Lin C. Hsu	Registration No.: 46,315
Ronald M. Pomerence	Registration No.: 43,009
John F. Ryan	Registration No.: 47,050
Matthew J. Blecher	Registration No.: 46,558
Lawrence R. Goerke	Registration No.: 45,927
Reginald A. Ratliff	Registration No.: 48,098
William A. Zarbis	Registration No.: 46,120
Mehlin Dean Matthews	Registration No.: 46,127
Joel D. Youngs	Registration No.: 52,389
Michael R. Hardaway	Registration No.: 52,992

- a. ☒ The power appears in the original papers in the prior application.  
b. ☐ Because the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c. ☐ A new power has been executed and is attached.

### Maintenance of Codependency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term pending prior application until  
☐ A copy of the petition for extension of time in the prior application is attached.

**Conditional Petition for Extension of Time in Prior Application**

- ☒ A conditional petition for extension of time is being filed in the pending parent application.  
☒ A copy of the conditional petition for extension of time in the prior application is attached

**Abandonment of Prior Application (if applicable)**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

**Notification in Parent Application of the Filing of This Divisional Application**

- ☒ A notification of the filing of this divisional is being filed in the parent application from which this application claims priority under 35 USC § 120.

**Statement by Assignee (if applicable)**

- ☐ In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents establishing my/our ownership of the application identified herein, and certify that to the best of my/our knowledge and belief, title is with me/us who seek to take action.  
☐ Assignment submitted herewith for recordal

I hereby declare further that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Type or print name of person signing declaration .....

Signature ..... Date .....

Residence ..... Citizenship .....  
(City) (State)

P.O. Address .....

.....  
(type name of assignee) Title of person authorized to sign on behalf of assignee

.....  
Address of Assignee

Assignment recorded in PTO on ..... Reel ..... Frame .....

The statement under 37 CFR 3.73(b)

- ☐ has been filed in the parent application.  
☐ a copy of the statement previously filed in the parent application is attached.

### Fee Calculation

CLAIMS AS FILED					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEES
Basic Application Fee					\$770.00
Total Claims	20	Minus 20=	0	X \$18 =	\$0.00
Independent Claims	2	Minus 3=	0	X \$86=	\$0.00
If multiple dependent claims are presented, add \$290.00					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$770.00</b>

### PAYMENT OF FEES


1. The full fee due in connection with this communication is provided as follows:
  - ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
  - ☒ A check in the amount of \$770.00
  - ☐ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No: 000041066

Respectfully submitted,

Date: 4/2/2004

By:   
Anthony C. Murabito  
Reg. No. 35,295


Inventor(s): Ho-Yuan Yu

Title: METHOD AND STRUCTURE FOR COMPOSITE TRENCH FILL

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date: 4/2/2004

By:   
Anthony C. Murabito  
Reg. No. 35,295

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Notification to Parent of Divisional Application Filing

Applicant: **H. Yu**

Filing Date: **05/15/03**

Docket No.: **LOVO-56**

Serial No.: **10/439,558**

Title: **METHOD AND STRUCTURE FOR COMPOSITE TRENCH  
FILL**

Sir:

Please acknowledge receipt of the following:

- ☒ Certificate of Mailing
- ☒ Conditional Petition for an Extension of Time
- ☒ Notification of Filing of Divisional Application

rev. 12/97 dbp

Submitted  
4/2/04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: LOVO-56

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231, on the below date of deposit.			
Date of Deposit:	04/02/04	Name of Person Making the Deposit:	KATHERINE RINALDI
		Signature of the Person Making the Deposit:	<i>Katherine Rinaldi</i>

In re Application

Inventor(s): Ho-Yuan Yu

Application No.: 10/439,558

Filed: 05/15/03

Title: METHOD AND STRUCTURE FOR COMPOSITE TRENCH FILL

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTIFICATION OF FILING OF DIVISIONAL APPLICATION**

☒ Notification is hereby being made of the filing of a divisional application for this case

☒ concurrently herewith.  
☐ on .....

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
 Two North Market Street, Third Floor  
 San Jose, California 95113  
 (408) 938-9060  
 Customer No: 000041066

Respectfully submitted,

Date: 4/2/2004

By: *Anthony C. Murabito*  
 Anthony C. Murabito  
 Reg. No. 35,295



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: LOVO-56

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Date of Deposit:	04/02/04	Name of Person Making the Deposit:	KATHERINE RINALDI
		Signature of the Person Making the Deposit:	<i>Katherine Rinaldi</i>

In re Application of:

Inventor(s): Ho-Yuan Yu

Application No.: 10/439,558

Filed: 05/15/03

Title: METHOD AND STRUCTURE FOR COMPOSITE TRENCH FILL

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

CONDITIONAL PETITION FOR EXTENSION OF TIME

This conditional petition is being filed along with the accompanying DIVISIONAL and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**Conditional petition for extension of time**

If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

**Status**

This application is on behalf of

- ☒ other than a small entity  
☐ a small entity

A verified statement:

- ☐ is attached  
☐ is already filed

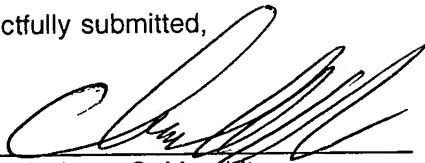
- [ x ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
 A duplicate copy of this authorization is enclosed.

Please direct all correspondence concerning the above-identified application to the following address:

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Respectfully submitted,

Date: 4/2/2004

By:   
Anthony C. Murabito  
Reg. No. 35,295